

Chapter 15A-30 - SUBDIVISION REVIEW

15A-30-01	Purpose.	1
15A-30-02	Necessity of Subdivision Plat Approval.	2
	A. Subdivision Approval Required	
	B. Parcels Previously Divided	
	C. Transfer Before Approval Prohibited	
	D. Approval to Amend Plat Required	
	E. Lot Remnants Prohibited	
	F. Lot of Record	
15A-30-03	Application and Review Process.	2
	A. Initial Staff Review	
	B. Development Review	
	C. Application	
	D. Preliminary Subdivision Review	
	E. Planning Commission Review	
	F. Validity of Preliminary Plat Review	
	G. Final Subdivision Review	
	H. Final Plat Approval	
15A-30-04	Validity of Final Plat Approval.	8
15A-30-05	Changes to Final Plat	8
15A-30-06	Vacating or Changing a Subdivision Plat - Process	8
	A. Planning Commission Consideration	
	B. Grounds for Vacating or Changing a Plat	
	C. Request for Amendment by Petition	
	D. Changing the Name of a Recorded Subdivision	
	E. Vacating an Entire Subdivision - City Council Review	
	F. Preparing the Amended Plat	
15A-30-07	Property Line Adjustments (Exchange of Title)	10
	A. Standards	
	B. Application	
	C. Director Review	
	D. Notice of Approval and Conveyance of Title	
15A-30-08	Required Subdivision Improvements and Procedures	11
15A-30-09	Improvements Installation Priority	13
15A-30-10	Costs of Improvements	14
15A-30-11	Street Dedication	14
15A-30-12	Penalties.	14
15A-30-13	Reasonable Diligence	14

Chapter 15A-30 - SUBDIVISION REVIEW

15A-30-01 Purpose

A. The purposes of this chapter are:

1. To promote the health, safety, and general welfare of City residents;
2. To ensure the efficient and orderly development of land;
3. To prevent the uncontrolled division and development of real property.
4. To avoid poorly planned developments that:
 - a. Do not comply with the General Plan or City ordinances;
 - b. Cannot be efficiently served by existing utilities or public services;
 - c. May prove to be dangerous or unsafe;
 - d. May cause an undue burden on existing traffic or transportation services;
 - e. May require the future expenditure of public funds to correct problems caused by the development;
 - f. Restricts the ability of efficient development on adjoining properties.
5. To minimize the number of boundary line disputes in the City and eliminate existing property line gaps and property line overlaps.
6. To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services.
7. To provide design standards:
 - a. For public improvements, facilities and utilities;
 - b. For access to public rights-of-way;
 - c. For the dedication of land and streets deemed necessary for the proper development of the subdivision;
 - d. For easements or rights-of-way that are necessary to service the property.

B. This chapter is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision

requirements in this chapter and other applicable ordinances and laws. Each parcel of real property is unique. Also, there may be some aspects of subdivision development that cannot easily be articulated, and it's not possible to cover every possible contingency. Therefore, additional reasonable conditions may be imposed as deemed necessary provided that:

1. The conditions are not arbitrary or capricious.
2. The conditions are necessary to promote the health, safety, or welfare of the citizens of Sandy.
3. The conditions do not conflict with any applicable law.

15A-30-02 Necessity of Subdivision Plat Approval

- A. **Subdivision Approval Required.** Any division of real property located within the City which conforms to the definition of a subdivision as set forth in this Code is subject to the terms of this chapter and must obtain the approval of the City before it may be filed or recorded at the Salt Lake County Recorder's Office.
- B. **Parcels Previously Divided.** Any parcel of property which was originally part of a parcel now being subdivided and/or which was divided off from the parcel being subdivided since July 18, 1960, shall be included in the preliminary plat of the proposed subdivision unless it has already been recorded as part of another subdivision.
- C. **Transfer Before Approval Prohibited.** It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property as defined in this chapter before a final subdivision plat is approved and recorded pursuant to the requirements of this chapter and applicable State law.
- D. **Approval to Amend Plat Required.** It shall be unlawful to amend, vacate, alter, or modify any plat which has already been approved and/or recorded without first receiving City approval.
- E. **Lot Remnants Prohibited.** It shall be unlawful to divide real property in such a way that a parcel of property is created or left behind (lot remnant) that cannot be developed according to the requirements of this Code or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips (other than those allowed by law), parcels created or left for the sole purpose of denying another property owner access to his property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the sensitive area requirements of this Code, and parcels that do not abut on a dedicated street.
- F. **Lot of Record.** A single-lot subdivision plat is not required prior to development on any parcel of property that was created prior to July 18, 1960 and has remained intact since that date. However, development on the parcel must comply with all regulations of the zone district. Review for necessary improvements from Public Works, Public Utilities, Parks and Recreation, and Community Development shall be required prior to issuance of building permit.

15A-30-03 Application and Review Process

- A. **Initial Staff Review.** To help expedite review of a development proposal, prior to submitting an

application for subdivision review, persons interested in undertaking development may meet informally with a member(s) of the Community Development Department to become acquainted with the substantive and procedural requirements of this Code.

- B. **Development Review.** The development proposal shall be reviewed at a Development Review Meeting. At the meeting, the various departments will initially assess the proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this Code, the International Building Code, and any other applicable ordinances or codes of Sandy City, and provide some information concerning the City's review requirements and procedures. They will also determine the departments and agencies that will need to review the proposal.
- C. **Application.** An application for subdivision development must be submitted to the Community Development Department and must contain the information and be in the format required by the Subdivision Review Checklist available from the Community Development Department. The application shall include the following:
1. General Development Application Form.
 2. Full size (24" x 36") copies of the plat and one 8½" x 11" reduction to be determined on a case by case basis.
 3. All documents required in this chapter.
 4. Payment of all applicable fees.
 5. All necessary documents, reports, maps, etc. as required for developments located within an Overlay Zone or a Planned Unit Development Zone (PUD).
 6. The preliminary plat shall be drawn on standard drafting medium to a standardized scale. The scale must be indicated on each sheet but shall not be less than one inch equals 60 feet.
 7. The preliminary plat shall contain the following:
 - a. An arrow indicating north drawn on each sheet.
 - b. The proposed name of the subdivision. The subdivision name shall be authorized by the Salt Lake County Recorder's Office.
 - c. The names and addresses of the property owner(s), the developer, and the engineer or surveyor of the proposed subdivision.
 - d. The names and addresses of current owners of all parcels immediately adjoining the proposed subdivision and the boundary lines of such parcels as may be required by the Director.
 - e. Existing and proposed contours drawn at 2 foot intervals. Existing contours shall extend a minimum of 25 feet beyond the property line.
 - f. The boundary lines of the parcel to be subdivided.

- g. The dimensions and square footage of each lot.
 - h. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided.
 - i. The location and dimensions of existing and proposed farm or garden irrigation systems (including ditches and canals).
 - j. Where the preliminary plat covers only a part of a larger developable area, the plat shall show the location of the subdivision as it forms part of the larger area. A conceptual plan may be required showing a possible future street system and lot layout.
 - k. A storm water drainage plan, approved by the Public Utilities Department, that is designed to accommodate the water generated by a 10 year storm with 100 year routing.
 - l. The location and nature of development within and adjacent to the preliminary plat boundaries. A notation shall be made as to whether or not the existing structures within and adjacent to the plat will remain or be demolished.
 - m. Two copies of the preliminary grading and drainage plan.
 - n. Two copies of the roadway plan and profile sheets.
8. Tabulations showing:
- a. Total number of acres in the proposed development.
 - b. Total number of lots or buildings sites.
9. The following documents shall be included with the application:
- a. An application request for a proposed change to any existing zone boundaries or any zone classification which is necessary for approval of the proposed subdivision.
 - b. Any other documents related to the development that the City may reasonably require.

D. Preliminary Subdivision Review

1. If prior to submitting the application for subdivision review it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
2. Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the preliminary subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this Code and other applicable City and agencies' standards.

If the departments and agencies reviews determine that all required, necessary, and requested

information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this Code, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plat and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.

Upon resubmittal, the preliminary subdivision plat will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

- E. **Planning Commission Review.** When the preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review at a public hearing.

The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

F. **Validity of Preliminary Plat Review**

1. Preliminary plat review is valid for two years. The Planning Commission may grant a one year extension of the preliminary plat provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review.
2. If a final plat which covers only a portion of the preliminary plat is recorded within the two year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.
3. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment to the original preliminary plat.
4. The Director may, at his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.

G. **Final Subdivision Review**

1. After review by the departments, agencies, and Planning Commission, the applicant shall submit a final subdivision plat together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies and Planning Commission to the Community Development Department.

2. The following documents and information shall be submitted for final subdivision review:
 - a. Full size (24" x 36") copies of the plat, as determined on a case by case basis.
 - b. All documents required in this chapter.
 - c. If required to be reviewed by Planning Commission, the applicant shall submit at least 12 full size (24" x 36") copies and one reduced copy (8½" x 11").
 - d. The final plat shall be drawn on a mylar sheet approved by the Salt Lake County Plat Division.
 - e. The final plat shall be drawn with all lines, dimensions, and markings made in waterproof black drawing ink.
 - f. The final plat shall be drawn to a standardized scale. The scale shall be indicated on the plat and shall not be less than one inch equals 60 feet.
 - g. The final plat shall contain the following:
 - (1) An arrow indicating north on each sheet.
 - (2) The name of the subdivision as approved by the Salt Lake County Recorder's Office.
 - (3) The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing and which shall be referenced to two monuments.
 - (4) The names, widths, lengths, bearings, and curve data of all areas intended for public use.
 - (5) Lot numbers, approved street names with intersection coordinates as determined by staff, and street addresses of which numbering shall be in accordance with the City street numbering system, as designated by staff.
 - (6) The bearings, dimensions, and square footage of each lot.
 - (7) The bearings, dimensions, and locations of all easements within the subdivision.
 - (8) A Certificate of Survey with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.
 - (9) An Owners Dedication with signatures from all property owners and others who may have a financial interest in the subdivision acknowledged by a notary public, as required by the Salt Lake County Recorder's Office and Sandy City.
 - (10) A notice of all covenants, conditions, and other restrictions which may be relevant and applicable to the property contained within the final plat.
 - (11) A Planning Commission's approval block for the signature of the Planning Commission Chairman.

- (12) A Salt Lake Valley Health Department approval block for appropriate signature.
 - (13) City Engineer and Public Utilities Department signature blocks.
 - (14) A City Attorney's approval block for signature of the Sandy City Attorney.
 - (15) An approval block for the signatures of the Mayor and attestation by the City Recorder.
 - (16) Other signature approval blocks as may be needed.
 - (17) All requirements of the Sensitive Area Overlay Zone upon the plat, including but not limited to: location of known earthquake faults and their respective zones of deformation, hillside slopes greater than 30%, etc.
- h. The following documents shall be submitted with the final plat:
- (1) Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat. The City may adopt a policy governing additional requirements for construction drawings. All construction drawings shall have the designing engineer's state license seal stamped on all submitted sheets. No final plat shall be approved by the Mayor until the construction drawings have been approved by the City Engineer.
 - (2) Documents evidencing conveyances or consents from property owners within the subdivision when such are required by law.
 - (3) Signed and notarized Improvement Agreement and Agreement to Conditions.
 - (4) A preliminary title report that must coincide with owners signatures on the final plat.
 - (5) A Guarantee for Improvements (bond) to cover improvements as required by the City Engineer. Guarantees acceptable to Sandy City include an Escrow Bond, Letter of Credit, and Cash Bond.
 - (6) Any other documents the City may require.
- i. The property must be developed and the improvements constructed in strict compliance with the approved final plat, approved construction drawings, and the Sandy City Standard Specifications & Details for Municipal Construction. Failure to note any improvement required by this chapter on the final plat or the construction drawings shall not eliminate the developer's responsibility to complete those improvements in the subdivision.

H. Final Plat Approval

1. The Director shall review the final plat and all supporting documents to determine if they are complete and comply with all the requirements of all departments, agencies and the Planning Commission. When the Director makes the determination that the final subdivision plat is

complete and complies with all the requirements, the plat will be stamped and signed by the Planning Commission, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Attorney, the Mayor, and each of those whose signature is required by the Utah Code Ann. or elsewhere in this Code.

2. The Director shall forward the fully executed final plat to the Mayor for approval.
3. The Mayor shall review the application for final plat approval and consider the recommendations of the Planning Commission and shall approve, modify, or deny the plat. The Mayor shall approve the plat if he finds that the final plat and documents comply with all applicable City ordinances. The Mayor shall affix his signature to the final plat upon approval of the plat, which signature shall be attested to by the City Recorder.
4. The developer shall pay all applicable development fees as generated by the City Engineer prior to the City releasing the mylar to be recorded.
5. The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:
 - a. One mylar copy of the recorded subdivision plat (full size 24" x 36").
 - b. Four full size copies of the recorded subdivision plat (full size 24" x 36").
 - c. One letter size (8½" x 11") copy of the recorded subdivision plat.
 - d. An electronic copy of the recorded subdivision plat.

15A-30-04 Validity of Final Plat Approval

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Planning Commission may grant a six month extension of the final plat provided the final plat still complies with all applicable ordinances.

15A-30-05 Changes to Final Plat

The Community Development, Public Utilities, and Public Works Directors may, in their discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes are substantially different from the original approval. Changes to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City.

15A-30-06 Vacating or Changing a Subdivision Plat - Process

A. **Planning Commission Consideration.** The Planning Commission may, with or without petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

B. **Grounds for Vacating or Changing a Plat.** The Planning Commission may vacate, alter, or amend the plat or any portion of the plat if it is satisfied that:

1. Neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment; and
2. There is good cause for the vacation, alteration, or amendment.

C. **Request for Amendment by Petition.**

1. **Fee Owner May Petition.** Any fee owner, as shown on the last County assessment rolls, of land within the subdivision that has been laid out and platted as provided in this Code may, in writing, petition the City to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
2. **Petition Contents.** Each petition to vacate, alter or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 - a. The name and address of all owners of record of the land contained in the entire plat.
 - b. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended.
 - c. The signature of each of these owners who consents to the petition.
3. **Vacation or Alteration of Street or Alley Included.** If the petition submitted contains a request to vacate or alter any portion of a street or alley within a subdivision the vacation or alteration the Planning Commission shall hold a public hearing after the appropriate notice is given. The Planning Commission shall determine whether good cause exists for the vacation or alteration.

If the Planning Commission vacates or alters any portion of a street or alley, the plat shall be processed for recording with the Salt Lake County Recorders Office in accordance with the procedures for amending a subdivision plat.

4. **Joining Two or More Lots.** If the petition seeks to join two or more of the owner's contiguous, residential lots the property line(s) shall be adjusted according to the procedures set forth below.

D. **Changing the Name of a Recorded Subdivision.**

1. The name of a recorded subdivision may be changed by amending the plat as set forth herein and recording the amended plat making the change.
2. The new name shall not be a duplicate of another subdivision within Salt Lake County.

E. **Vacating an Entire Subdivision - City Council Review.** If an entire subdivision is vacated, the City

Council shall review and consider the action at a public meeting after the Planning Commission has completed the processes set forth herein, and if determined to be appropriate, adopt a City Council resolution containing a legal description of the entire vacated subdivision to be recorded in the Salt Lake County Recorder's Office.

F. Preparing the Amended Plat.

1. The surveyor preparing the amended plat shall certify that the surveyor:
 - a. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;
 - b. Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and
 - c. Has placed monuments as represented on the plat.
2. If the vacation, alteration, or amendment of the subdivision and/or the street or alley is approved after compliance with the requirements set forth herein, the Planning Commission and the Mayor shall sign the amended plat showing the vacation, alteration, or amendment.
3. The City shall ensure that the amended plat showing the vacation, alteration, or amendment, and the City Council resolution, where required, is recorded in the office of the Salt Lake County Recorder's Office.

15A-30-07 Property Line Adjustments (Exchange of Title)

- A. Standards.** Owners may adjust property lines between adjacent parcels that are described by either a metes and bounds description or a recorded plat, by exchanging title to portions of those parcels after approval if:
1. No new dwelling lot or housing unit results from the property line adjustment.
 2. The adjoining property owners consent to the property line adjustment.
 3. The property line adjustment does not result in remnant land that did not previously exist.
 4. The adjustment does not result in violation of applicable zoning requirements.
- B. Application.** The owners shall file an application requesting a property line adjustment together with all required documents.
- C. Director Review.** The Director shall act as the land use authority and review all the documents to determine if they are complete, and that they comply with the requirements set forth above. If the Director determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Director will approve the property line adjustment.
- D. Notice of Approval and Conveyance of Title.** After approval by the Director, the applicant shall:

1. Prepare a Notice of Approval which:
 - a. Is executed by each owner included in the exchange;
 - b. Is executed by the Director;
 - c. Contains an acknowledgment for each party executing the Notice as required by State Law for real property;
 - d. Recites the description of both the original parcels and the parcels created by the property line adjustment.
2. Record a deed(s) which conveys title as approved.
3. Record the Notice of Approval.

15A-30-08 Required Subdivision Improvements and Procedures

- A. The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the Sandy City Standard Specifications & Details for Municipal Construction.
1. Street paving (including proper road base).
 2. Curbs, gutters, and sidewalks.
 3. Drive approaches for each lot.
 4. Culinary water systems.
 5. Sanitary sewer systems.
 6. Surface water runoff drainage systems.
 7. City survey monuments.
 8. Permanent markers to identify lot corners (as required by Sandy City Engineering).
 9. Utilities (overhead and underground as required by this Development Code).
 10. Street lighting system.
 11. ADA ramps.
- B. The City may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:
1. Fire hydrants.

2. Subsurface water drainage systems.
 3. Bridges.
 4. Fencing and barrier walls.
 5. Grading.
 6. Retaining walls.
 7. Landscaping and/or streetscape.
 8. Public facilities.
 9. Open space and/or trails.
 10. Piping, relocating, or abandoning irrigation ditches.
 11. Engineered footings.
 12. Extending and constructing roads, water lines and sewer lines beyond the boundary of the subdivision.
 13. Flood control system.
 14. Regulatory signs.
 15. Any other improvements as may be required by the City based upon approvals.
- C. In determining the particular needs of the subdivision and in determining whether any of the improvements specified in subsection (B) should be required in a particular subdivision, the City shall consider, among other things:
1. The requirements of the International Building Code, International Residential Code, Uniform Fire Code, City Ordinances, and the Urban Wildland Interface Code.
 2. The topography of the property, the type soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the City's Storm Water Drainage Master Plan.
 3. The extent to which the proposed subdivision causes or contributes to the need for the improvement.
 4. The need for the improvement to protect the health, safety, and welfare of residents of the subdivision and the community at large.
 5. The types of development and uses adjacent to the subdivision.
- D. The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed

subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees, or be party to such agreements. The fees or the monies collected pursuant to agreements shall be used towards the costs of installing the improvements.

- E. All required improvements shall be completed and pass City inspections within two years of the date the subdivision is approved or at a date to be determined by the City.
- F. All subdivision improvements shall be completed by qualified contractors in accordance with the Sandy City Standard Specifications and Details for Municipal Construction (latest edition). No work may be commenced on public improvements without first obtaining approval.
- G. Unless otherwise authorized by the Director, no building permit for any structure may be issued until the final plat has been recorded and the following subdivision improvements have been installed:
 - 1. Street paving (including proper road base).
 - 2. Curb, gutter, and sidewalk.
 - 3. Permanent markers to identify lot corners.
 - 4. Operational fire hydrants (unless otherwise approved by the Fire Marshal).
 - 5. Water and sewer line facilities.
 - 6. Storm drainage facilities.
- H. When installing any of the subdivision improvements, the developer and contractors shall be required to keep all paved streets, sidewalks, and gutters within or outside the subdivision, free from any debris, trash, mud, or dirt from the project. Upon notification by the City of a violation of this provision, the developer and/or contractors shall have the affected areas cleaned within 24 hours. If he fails to do so, the City may clean the affected areas with the developer providing reimbursement to the City for all costs incurred. **EXCEPTION:** Small mounds of dirt placed over the curb, gutter, and sidewalk may be placed during the initial construction phase of the home to protect the said improvements from damage. However, this exception does not release the developer or his successors from the requirement to keep the street clean and free of mud and debris.
- I. The requirement to install public improvements, e.g., curb, gutter, sidewalk, etc., may be waived by the Planning Commission for properties with design restraints. Cause for such waivers shall be noted on the plat.
- J. No final subdivision plat shall be recorded until the developer of the subdivision has clearance of all property taxes owed upon the parcels to be dedicated to the City and tendered the guarantee and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Code and agrees to indemnify and hold the City harmless from any claims, suits, or judgments arising from the condition of property dedicated to the City, from the time that the property

is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

15A-30-09 Improvements Installation Priority

- A. Underground utilities, service lines, storm drainage facilities, water system, sewer system including laterals, shall be installed and approved prior to the installation of any other street improvements, unless the Public Utilities Director or the appropriate governing body waives this requirement in writing.
- B. All new sewer lines shall be inspected by the appropriate sewer district.
- C. All new water lines and/or connections shall be inspected by the Public Utilities Department.
- D. All new storm drain facilities shall be inspected by the Public Utilities Department and/or Public Works Department.
- E. All new street lights shall be inspected by the Public Utilities Department.

15A-30-10 Costs of Improvements

The developer shall pay for all costs of designing, purchasing, installing, warranting, and otherwise providing the improvements required by this chapter.

15A-30-11 Street Dedication

Unless previously dedicated, declared a private street, or located within a planned unit development, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat provided, however, that in cases where a proposed street in the subdivision parallels undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, and as may be recommended by the City Engineer and approved by the Planning Commission and Mayor, the Mayor may waive the full width dedication requirement and allow the dedication of a lesser width if he finds that it promotes the public interest.

15A-30-12 Penalties

- A. Any plat of a subdivision filed or recorded without the approvals required by this part is void.
- B. Any owner or agent of the owner of any land who transfers or sells any land before a plan or plat of the subdivision has been approved and recorded as required in this part is guilty of a violation of this part for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this part.

15A-30-12 Reasonable Diligence

The review for application completeness, substantive application review and determination of whether improvements or warranty work meets standards shall be done in accordance with the standards set forth in the Municipal Land Use, Development, and Management Act, Part 5 Land Use Ordinances (10-9a-509.5 UCA)